

One Hundred Second Legislature - First Session - 2011

Introducer's Statement of Intent

LB408

Chairperson: Senator Brad Ashford

Committee: Judiciary

Date of Hearing:

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

When a man and woman decide to be married, a marriage license is first sought from the county clerk in one of Nebraska's 93 counties. This action, in addition to a valid marriage performed by one who is authorized by law to solemnize marriages, is required in order for the marriage to be recognized as valid by the State of Nebraska.

When a married couple seeks to dissolve the marriage, the married couple must seek the state's approval by petitioning a court of competent jurisdiction in Nebraska for a divorce decree. Presently, when one of the persons before the court does not wish to divorce and denies that the marriage is "irretrievably broken," the court can not consider, as it could in the case where both parties agree, ordering that the couple undergo additional counseling or any other action that could result in reconciliation between husband and wife.

LB408 affords greater judicial discretion in divorce proceedings. When one party to a dissolution proceeding affirmatively denies that the marriage is irretrievably broken or where there is a minor child involved in the marriage, the court has the option of either ordering the parties to undergo conciliation services, continuing the divorce proceedings for up to six months, or taking other actions in the best interests of the parties and minor child.

Principal Introducer: _____

Senator Tony Fulton